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Chairman: Mr. Wenaweser ..... (Liechtenstein)

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The meeting was called to order at 3.10 p.m.

Agenda item 104: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/56/3, A/57/12 and Add.1, 203, 324 and 583)

1. **Mr. Cardoso** (Brazil) observed that refugee law, along with human rights law and humanitarian law, was one of the pillars of the international regime for the protection of individuals. Brazil attached great importance to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and their implementation should take into account other sources of law such as United Nations resolutions and regional declarations and conventions. During the Global Consultations on International Protection, the international community had overwhelmingly reaffirmed its commitment to the Convention. The Agenda for Protection, the outcome of the Global Consultations, provided a basis for future cooperation among States, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations and other intergovernmental organizations and non-governmental organizations, and constituted a framework for dealing with the changing situation of refugees.

2. Despite unfortunate incidents of smuggling of people and the recurring waves of economic migrants, it was very important for the developed countries, especially those adopting more restrictive immigration and anti-terrorist measures, to continue to keep their borders open to refugees. There must be greater coordination between the Office of the High Commissioner and other bodies dealing with humanitarian issues within the United Nations system, and the Office must be given more financial resources for the integration or voluntary repatriation of refugees currently in developing countries. For those refugees who could neither return home nor safely remain in the first country to host them, resettlement to a third country was sometimes the only option.

3. Brazil had welcomed a small group of Afghan refugees for resettlement in April 2002. Partnerships between the Government and civil society in Brazil had proved decisive in meeting their basic needs, facilitating their access to the job market, social security and the public health service. Brazil hoped that UNHCR would maintain an active presence in Brazil and consider reopening its office, at least in the short term, to help with the local integration of the refugees. It was up to member States to provide UNHCR with the political and material support that it needed, for the fate of millions hung in the balance.

4. **Mr. Madej** (Poland) observed that, simply by protecting refugees and seeking durable solutions to their plight, States contributed to international peace and security. One of the greatest challenges seemed to be to address properly and effectively the root causes of the refugee problem, which were persecution and conflict.

5. In Poland, there had been a fourfold increase in the number of applicants for refugee status since 1996. The Aliens Act of 1997 had introduced new refugee and asylum procedures, in full conformity with the applicable European law, and it had been drafted in consultation with non-governmental organizations in the field. A 2001 amendment to the Act had expanded protections for applicants and established new regulations for children and for applicants who became victims of abuse and violence. There were plans to regulate the issues of temporary or subsidiary protection, refugee status and asylum procedures in an enactment separate from the amended Aliens Act. His Government was also preparing an agreement with the International Office for Migration (IOM) to provide voluntary returnees with proper assistance. Although for most of the asylum-seekers, Poland still remained a transit country, not the country of final destination, it maintained a close working cooperation with UNHCR and other institutions and organizations active in the field.

6. **Ms. Antonijević** (Yugoslavia) said that the international protection of refugees was being hampered by the changing nature of conflicts, the different patterns of displacement, more restrictive asylum policies and intolerance towards refugees and asylum seekers, and the system had to be adapted to the new realities. The recently adopted Agenda for Protection was an important step in that direction. The High Commissioner's "Convention Plus" initiative to conclude special agreements that would supplement the 1951 Convention in areas inadequately covered by it was another. The number of interdependent issues involved imposed the need for a more integrated approach, and the Office should be encouraged to enhance its cooperation with other parts of the United Nations system and with international and regional organizations, non-governmental organizations and the private sector.

7. The integration of the gender dimension in the protection of refugees should also be a priority, taking into account the fact that displacement affected women more adversely, and that they had specific needs and were vulnerable to abuse. UNHCR must do everything needed to prevent sexual abuse in refugee camps and respond decisively to allegations of misconduct. The protection of refugees was not only about guaranteeing rights but also about finding durable solutions. The new UNHCR approaches to finding such solutions — development through local integration and the repatriation, reintegration, rehabilitation and reconstruction model — were encouraging, and the Office should actively mobilize funds for them.

8. For over a decade, Yugoslavia had been accommodating the largest refugee population in Europe, and currently had almost half a million refugees, mainly from Bosnia and Herzegovina and Croatia, as well as about a quarter of a million internally displaced persons from Kosovo and Metohija. Despite the improved economic conditions in her country, it still needed adequate international assistance to meet their basic needs, and UNHCR, other international humanitarian organizations and donor countries should continue to provide it. The Serbian Government, in cooperation with UNHCR, had developed a national strategy for refugees, which encouraged both voluntary repatriation and a number of local integration measures. The main obstacles to the voluntary return of refugees were the unresolved issues of restitution of property rights and social benefits, or the fear of arbitrary arrests. Yugoslavia was ready to discuss all such issues with all interested parties.

9. The problems of internally displaced persons were becoming acute and the United Nations system should create a legal framework for its displacement-related activities. The situation of internally displaced persons from Kosovo and Metohija was especially precarious, for they had no prospect of return in such unsettled and hostile conditions. The absence of the conditions for their return had been acknowledged by the Special Representative of the Commission on Human Rights and by the Commissioner for Human Rights of the Council of Europe, and her Government urged the international presence in those areas to work actively for safe and unimpeded return. The situation of refugees and displaced persons throughout the world was one of the most pressing issues facing the international community and was likely to remain so for years to come. The existing system of refugee protection had to be expanded to meet the challenge.

10. **Mr. Prica** (Bosnia and Herzegovina) said that one of the most important annexes of the General Framework Agreement for Peace, which had started the slow process of normalization in his country, was Annex 7 concerning refugees and displaced persons. Between November 1995 and June 2002, almost 866,000 people (399,000 refugees and 467,000 displaced persons) had returned to their pre-war properties. Of particular significance was the fact that the process had accelerated over the past two years, owing to improved security conditions, greater efficiency among institutions at all levels and considerably better regional cooperation.

11. Of the approximately 500,000 people still residing abroad, some 80 per cent had already been integrated into their new societies, either adopting citizenship or receiving permission for permanent residence. The remaining 114,000 mostly wished to return to Bosnia and Herzegovina. As for internally displaced persons, it was estimated that 300,000 remained. He stressed that 93 per cent of all returnees in 2002 had returned to places where they formed part of ethnic minorities. To date, 62 per cent of property claims had been met, and the rate of implementation had increased 21 per cent over the past year. If that positive trend continued, the implementation of Annex 7 might be concluded by 2004.

12. The picture was not entirely positive, however. The country's economy was still too weak to provide for the growing number of returnees, and, at the same time, donations were declining. The high unemployment rate, the lack of foreign investment and the transition from the command economy to a modern, free-market economy had had a negative impact. Despite efforts by the Government and UNHCR, substantially more assistance was needed in the field of reconstruction and development. In 2002, the Government had spent €58 million, while international aid was estimated at close to €53 million. Improvements would be made with the strengthening of the rule of law, economic growth and better coordination at the regional level.

13. **Mr. Knyazhinski** (Russian Federation) said that, despite the encouraging decrease in the number of refugees and displaced persons around the world, the problem remained acute and required the full implementation of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. In that context, his delegation supported the Convention Plus initiative, together with the consultative Forum, proposed by UNHCR. In putting the initiative into

effect, however, it was essential that the Executive Committee should retain full control over decision-making. His delegation welcomed the results of the Global Consultations on International Protection and the adoption of the Agenda for Protection, which provided a useful summary of States' international legal obligations.

14. The stabilization of migration in the Russian Federation and other countries of the Commonwealth of Independent States (CIS) was one of his Government's highest humanitarian priorities. To that end, it sought to implement the Programme of Action of the 1996 Geneva Conference on the Problems of Refugees, Displaced Persons, Migration and Asylum Issues, with the assistance of UNHCR and the International Organization for Migration (IOM). The targets set at the Conference were unfortunately still far from being met. Even the potential of the multilateral cooperation envisaged had not been realized. His Government continued to be in favour of consolidating the efforts of CIS Governments to further the aims of the Conference and in that connection, attached great importance to the high-level meeting in Tbilisi of the States that had participated in the Conference. Lastly, he reiterated his delegation's support for UNHCR, which should be the lead agency in crisis situations involving large numbers of refugees: it had an appropriate approach, a good operational capacity and well qualified staff. Its efforts to improve its effectiveness still further was commendable.

15. **Mr. Redai** (Ethiopia) commended UNHCR for developing workable protection policies that took account of changing circumstances, but expressed concern at the continuing decline in resources, which limited its capacities, at a time when the need for its services could be expected to rise. On the other hand, his delegation welcomed the greater assistance given to refugees by the international community, although he stressed that the reintegration of refugees would be viable only if it occurred with the full consent of host countries. To that end, cooperation was required at every level.

16. Despite its efforts to find a durable solution to the continent's glaring refugee problems, Africa still had over three million refugees and about 500,000 internally displaced persons. Neither the challenge nor the potential solutions, however, were unique to Africa. Action must be taken to deal with the root causes of migration, including poverty, a lack of good governance, democratic institutions and human rights violations.

17. His Government, guided by the principles of the 1951 Convention and its Protocol, pursued an open-door policy, with the result that it had hosted millions of refugees from neighbouring countries for several years. In the interests of a durable solution, it had promoted a voluntary repatriation policy. Nearly 199,000 Somali refugees had been repatriated in 1997 and almost 52,000 in 2000, but the 140,225 Somali and Sudanese refugees remaining, in addition to 400,000 internally displaced persons, were evidence of the enormous sacrifices made by his country in terms of both financial resources and environmental degradation.

18. Growing peace and stability in the region had enabled his Government to repatriate nearly 1.1 million Ethiopian returnees from neighbouring countries and the UNHCR cessation clause had been complied with. Their reintegration into the local community remained a daunting challenge in the face of endemic poverty and weak social institutions, however, and the difficulties were compounded by recurrent droughts. Repatriation should not be seen in isolation but should take place in the context of sustainable development.

19. **Mr. Akram** (Pakistan) said that, with close to 20 million people still vulnerable, it was necessary to address the root causes of human displacement, allocate adequate resources to sustain refugees and displaced persons and repatriate them quickly, and establish legal frameworks to assist the millions seeking asylum and resettlement. The High Commissioner's new initiatives for development through local integration and for protection policies on issues not adequately covered by the 1951 Convention deserved closer study. The Agenda for Protection was a blueprint for future action, which must, as a matter of priority, focus on issues of concern to host countries, such as durable solutions, voluntary repatriation, expanded resettlement quotas, burden-sharing, capacity-building and alleviation of the impact of a long-term refugee presence.

20. For countries that had hosted large numbers of refugees for extended periods, voluntary repatriation was often the only acceptable solution. Developing countries, particularly, should not be expected to accept local integration of large numbers of refugees, given their limited employment opportunities, although ironically the richer countries with their greater capacity for refugee integration quite readily proposed that course of action for them. The more affluent countries could instead play a pivotal role by enlarging their own refugee resettlement programmes, promoting

durable solutions and supporting peacemaking and reconstruction in the countries of origin. Developing countries hosting refugees should be given adequate assistance to create employment opportunities for their own citizens as well as for those refugees who could not be immediately repatriated.

21. Countries like Pakistan should not be expected to cope entirely on their own. International solidarity demanded that the considerable contribution of developing host countries should be supplemented by help in dealing with the costs and the social problems caused by the influx and presence of large refugee populations. Pakistan was in favour of giving the Office adequate, assured resources, for its chronic budget shortages aggravated the suffering of refugees and host countries, leaving basic needs and services unmet. Pakistan had suggested that the Office should adopt a new budget format for developing host countries, with separate budgets for refugee populations.

22. Pakistan had hosted over three million Afghan refugees for over two decades, yet in 2001, UNHCR had allocated the equivalent of about $10 annually for each of the over 2 million Afghan refugees still remaining in Pakistan. The impact of the Afghan refugee presence on Pakistan had demographic, economic, financial, ecological and social dimensions, yet the international community had not done its fair share. Most of the Afghan refugees still to be repatriated had lived in Pakistani camps for two decades, many knowing no other life, and to encourage their repatriation, the international community must speed up rehabilitation and reconstruction in Afghanistan and ensure safety, food security and job creation there. Throughout history, the largest human displacements had been caused by wars. The United Nations and its family of organizations must therefore promote conflict resolution and peacemaking as the solution.

Agenda item 109: Human rights questions (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

23. **Mr. Menan** (Togo), speaking in exercise of the right of reply, said that he took issue with the allegations made by the representative of Canada concerning the enjoyment of human rights and the introduction of a State governed by the rule of law in Togo. His Government had worked ceaselessly to protect and promote fundamental freedoms, as shown by numerous measures to that effect, including the establishment in 1987 of the National Human Rights Commission. The promotion of human rights was a long-term enterprise, requiring any government to put in place mechanisms to ensure protection and respect for human rights. Rather than engaging in intemperate criticism, the Canadian Government should provide assistance to countries which were laying the groundwork for the promotion of human rights.

24. With regard to the legislative elections of 27 October 2002, he emphasized that they had been open to all political parties and monitored by a large number of international observers, who had noted the maturity, calmness, discipline and determination shown by the electors in performing their civic duty without hindrance or intimidation. The ballot had also been described as sincere, transparent, democratic and fully credible.

25. As for freedom of the press, a large number of privately owned newspapers appeared regularly in Togo, in accordance with the provisions of the Press and Communication Code, which had recently been reformed in order to encourage greater professionalism among journalists. The representative of Canada was hardly in a position to issue lectures on human rights, in view of the dismissal of the journalist Mr. Normand Lester from Radio Canada for criticizing the practices of State radio and television. Moreover, the treatment meted out by the Government of Canada to its indigenous peoples, such as the Inuit in Labrador and the Nisga'a of British Columbia, left much to be desired. To marginalize whole sections of Canadian citizens did not seem an example that Togo ought to follow in pursuing a human rights policy. Indeed, the Committee on the Elimination of Racial Discrimination had recently deplored the inequality suffered in Canada by indigenous peoples, black people and immigrants.

The meeting rose at 4.10 p.m.